

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STANFORD WORKERS LOCAL 715,  
SERVICE EMPLOYEES INTERNATIONAL  
UNION, AFL-CIO/CLC and JAMES LEE  
STEWART, an individual,

Plaintiffs,

vs.

LELAND STANFORD JUNIOR UNIVERSITY,

Defendant.

CASE NO. C07 04061 JW

**STIPULATION AND [XXXXXXXXXXXXXX]  
ORDER RE MOTION FOR  
DISMISSAL SANCTION**

Date: July 13, 2010  
Time: 10:00 a.m.  
Courtroom: 5  
Judge: Hon. Patricia V. Trumbull

Pursuant to Local Rules for the U.S. District Court, Northern District of California 7-7, 6-1 through 6-2, the parties hereby stipulate to extend the time for the hearing for Defendant's Leland Stanford Junior University's ("Stanford") Motion for Dismissal Sanction ("Stanford's Motion") to July 13, 2010 at 10am in Courtroom 5 from May 18, 2010. ~~The parties further stipulate that Plaintiffs shall have until June 22, 2010 to file an opposition and Stanford shall have until July 6, 2010 to file a reply.~~ *cc szlcc*

Stanford alleges that its Motion was electronically filed and served pursuant to Local Rule 5-4 and General Order 45, as reflected in the Court's Orders designating the case for electronic filing, setting a Motion for hearing on May 18, 2010 at 10am in Courtroom 5. On

1 April 29, 2010, Defendant's Reply to Lack of Opposition to Stanford's Motion was electronically  
2 filed and served. On April 29, 2010, counsel for Plaintiffs United Stanford Workers, Local 715,  
3 Service Employees International Union, AFL-CIO/CLC and James Lee Stewart ("Plaintiffs"),  
4 Steven D. Zavodnick called Stanford's counsel stating that Plaintiffs did not receive Notice of  
5 Stanford's Motion. Stanford therefore requested that Plaintiffs' counsel notify it of this in  
6 writing (Exhibit A) and received Plaintiffs' written notification that Plaintiffs did not receive  
7 service of Stanford's Motion. (Exhibit B)

8 Pursuant to the Local Rule 6-2, the parties have previously modified time by stipulation,  
9 (see April 16, 2008 Stipulation Re: Time and [Proposed] Order) (Re: Order to Show Cause Re:  
10 Dismissal of the Complaint)). The effect the requested time modification will have on the  
11 schedule for the case will be to postpone hearing on Stanford's Motion for sixty (60) days.  
12 Stanford is herewith serving Plaintiffs' counsel by facsimile Stanford's Duplicate Notice of  
13 Motion, reflecting the Stipulated hearing date of July 13, 2010, at 10:00 a.m., Courtroom 5.

14 IT IS SO STIPULATED:

15  
16 Dated: May 6 2010

GORDON & REES LLP

17  
18 By: Carol C. Copsey

19 Carol C. Copsey  
20 Attorneys for Defendant  
LELAND STANFORD JUNIOR UNIVERSITY

21 Dated: 5-5-10

STEVEN D. ZAVODNICK

22  
23 By: Steven D. Zavodnick

24 Steven D. Zavodnick  
25 Attorneys for Plaintiffs  
26 UNITED STANFORD WORKERS LOCAL 715,  
27 SERVICE EMPLOYEES INTERNATIONAL  
28 UNION, AFL-CIO/CLC and JAMES LEE  
STEWART

1 IT IS SO ORDERED:

*Patricia V. Trumbull*

2 Dated: May 7, 2010

3 Patricia V. Trumbull, U.S. Magistrate Judge

**EXHIBIT A**

CAROL C. COPSEY  
CCOPSEY@GORDONREES.COM

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**GORDON & REES LLP**

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ATTORNEYS AT LAW  
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April 29, 2010

**VIA FACSIMILE, U.S. MAIL and E-MAIL**

Steven Zavodnick  
16771 Kennedy Road  
Los Gatos, CA 95032

and

P.O. Box 33247  
Los Gatos, CA 95031

Re: *Stewart v. Stanford University*  
U. S. California-Northern District Court Case No. CV07-04061 JW

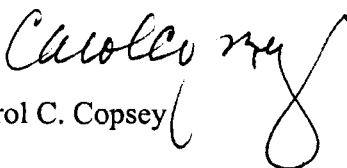
Dear Mr. Zavodnick:

I received your voicemail from 10:35am today, stating that you did not receive Notice of Defendant's Motion for Dismissal Sanction, and requesting that the motion be withdrawn, or alternatively, Defendant's Reply to NonOpposition, which was e-filed at 10:17am today, be withdrawn. Defendant's Motion was electronically filed and served pursuant to Local Rule 5-4 and General Order 45, as reflected in the Court's Orders designating the case for electronic filing. Local Rule 5-4 authorizes electronic filing in conjunction with Federal Rule of Civil Procedure 5 (e), and General Order number 45 requires that each attorney of record is obligated to become an Electronic Case Filing ("ECF") User and be assigned a user ID and password for access to the system, and provides that the Notice of Electronic Filing when e-mailed to the e-mail addresses of record in the case acts as the proof of service.

Please transmit a letter to us stating that you never received Notice of Defendant's Motion for Dismissal Sanction. Upon receipt of that, we will then reschedule the Motion. I appreciate your prompt attention to this.

Very truly yours,

GORDON & REES LLP

  
Carol C. Copsey

CCC/dmg

**EXHIBIT B**

**Daisy-Marie Galon**

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**From:** Steve D. Zavodnick [szavodnick@gmail.com]  
**Sent:** Thursday, April 29, 2010 6:30 PM  
**To:** Daisy-Marie Galon  
**Subject:** Re: Local 715, Stewart v. Stanford

Carol:

I am in Los Angeles today and tomorrow for client meetings and therefore am responding to your letters of earlier today via e-mail on my iPhone.

As my messages to you and Mike Lucey stated, I did not receive service of your latest Motion to Dismiss, nor did you even clear a date with my office for the motion. Therefore, I expect that you will immediately withdraw the motion with confirmation e-mailed to me by the close of the business day tomorrow, Friday, April 30, 2010.

As I have discussed with you firmly, gently, and in degrees inbetween it behooves both your client and your law firm to diffuse this case, rather than to exacerbate it. I continue to fail to understand why a reputable firm and reputable attorneys have acted as they have when the resolution is a simple non-judicial arbitration pursuant to a Collective Bargaining Agreement.

Toward that end, maybe Mike Lucey, you and I, and your principal from Stanford meet in person, whether at your office, mine, or at Stanford, to see if a reasonable solution can be effectuated.

I will be glad to discuss this with you when I return next week after receipt of your Notice of Withdrawal of Motion is received tomorrow.

Very truly yours,

Steve Zavodnick

Sent from my iPhone

On Apr 29, 2010, at 2:45 PM, "Daisy-Marie Galon" <[DGalon@gordonrees.com](mailto:DGalon@gordonrees.com)> wrote:

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San Francisco \* San Diego \* Los Angeles \* Sacramento \* Orange County \* Las Vegas \* Portland \* Seattle \* Houston \* Chicago \* Phoenix \*  
Dallas \* New York \* Long Island \* Morristown \* Denver \* Miami

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**GORDON & REES LLP**  
<http://www.gordonrees.com>

<Letter to Zavodnick.pdf>

5/3/2010